

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2017

CORAM:

THE HON'BLE MR.JUSTICE S.BASKARAN

Crl.O.P.No.8375 of 2017

Mrs.B.Radhika ..Petitioner/Defacto complainant

Vs

1.The Inspector of Police,
Vaniyambadi Taluk Police Station,
Vellore District.
Crime No.224 of 2015 ..Respondent/Respondent

2.Sikkandar ..Respondent/Petitioner in
Crl.O.P.No.5310 of 2017/Accused

Criminal Original Petition filed under Section 439(2) Cr.P.C.,
seeking to cancel the Bail granted in Crl.O.P.No.5310 of 2017 on
28.03.2017

For petitioner : Mr.P.J.Rishikesh

For respondents : Mr.P.Muthu Kumar,
Govt.Advocate (Crl.Side) for R1

Mr.E.Kannadasan for R2.

ORDER

This petition has been filed praying to cancel the Bail granted in Crl.O.P.No.5310 of 2017 on 28.03.2017

2. Heard the learned counsel for the petitioner/defacto complainant and the learned counsel for the 2nd respondent.

3. The second respondent herein was granted bail in Crime No.224 of 2015, Vanniyampadi Thaluk Police Station, Vellore District. The learned Government Advocate (Crl.Side) has submitted that the second respondent/accused was granted bail on the ground that investigation already completed and charge sheet alone to be filed. Now the petitioner herein/complainant who is the wife of the deceased has come forward with the petition, stating that correct facts was not put before this Court and only due to that, the second respondent was granted bail on 28.03.2017, and seeks cancellation of bail.

4. The learned counsel for the second respondent submitted that already investigation is completed and as such there is no need to cancel the bail. He further submitted that no violation of bail condition is made out and hence press that the petition may be dismissed.

5. The learned Government Advocate (Crl.Side) has also pointed out that investigation has been completed and charge sheet has been filed on 20.09.2017 at Judicial Magistrate, Vaniyambadi, under Sections 302, 120B, 364, and 109 IPC and the same was returned for some defects on 18.08.2017 and yet to be resubmitted.

6. Thus, it is clear that investigation already completed and charge sheet also filed, but the same has been returned to rectify some defects. Since, there is no violation of bail condition by the second respondent herein, this Court is not inclined to allow this petition. However, the first respondent-Police, is directed to resubmit the charge sheet within one month and proceed with the matter in accordance with law.

7. With the above observation, this petition is dismissed.

19.09.2017

nmm/nvsri

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S.BASKARAN,J.

nmm

To

1.The Inspector of Police
District Crime Branch
The Nilgiris

2.The Public Prosecutor Officer, High Court, Madras.



CrI.O.P.No.8375 of 2017

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